

REMARKS/ARGUMENTS

1. In the above referenced Office Action, the Examiner rejected claims 1-2, 5-9, 12-16 and 19-21 under 35 USC § 102(e) as being anticipated by Omoigui (U.S. Publication No. 2005/0086687); and claims 3-4, 10-11 and 17-18 under 35 USC § 103 (a) as being unpatentable over Omoigui (U.S. Publication No. 2005/0086687) in view of Agnihotri (U.S. Publication No. 2003/0163828).

Claims 1-21 are currently pending in this application. The rejections above have been traversed and, as such, the applicant respectfully requests reconsideration of the allowability of claims 1-21.

2. As discussed above, claim 1 was rejected under 35 USC § 102(e) as being anticipated by Omoigui (U.S. Publication No. 2005/0086687). Claim 1 recites in part:

wherein the determining is independent of any request by the user for the alternate content, but based at least in part on a search for alternate content having subject matter that is related to subject matter of content being viewed by the user when the search is conducted.

In setting forth the basis for this rejection, the Examiner cites the following paragraph of Omoigui:

[0098] FIG. 12 shows a flow diagram that describes steps in a method in accordance with this embodiment. Step 600 monitors the viewing habits of one or more viewers. Monitoring can take place in any suitable way. For example, each client viewing device 12 (FIGS. 1 and 2) can have an application that logs the time that a viewer spends on any particular channel and the program that is playing. This information can be packaged up and sent to server 14. Step 602 then establishes a correlation between the viewing time and specific events that transpire during the viewing time. Processing to establish the correlation can take place on the client or server end. The correlations that are established can then be used to establish a viewer-information database similar to the one discussed above in connection with FIG. 5. Once a viewer-information database is established, step 604 monitors the electronic presentations or programs. Monitoring can take place as described above. Step 606 determines whether any of the events that might be of particular interest to a viewer have occurred. If none have occurred, then the method branches back to step 604. If, on the other hand, one or more events have occurred, then step 608 notifies the viewer accordingly. Again, notification can take place

in any of the ways discussed above. Step 610 is an updating step that updates the correlation between the viewing time and the specific events that a viewer watches. This step can occur at any time and in parallel with the steps discussed above. [emphasis added]

In particular, the Examiner points to the updating step (step 610) and to Omoigui's disclosure that this step can be performed in parallel with the viewing habits monitoring step. Omoigui's updating step, only updates "the correlation between the viewing time and the specific events that a viewer watches." However, step 602 further includes the creation of a viewer-information database that is required for the monitoring in step 604 to be updated. So while the Omoigui updates the correlations based on real-time events, Omoigui does not disclose, suggest or teach updating the viewer-information database in real-time, or performing steps 602 and 604 in parallel. Omoigui cannot perform the step of monitoring based on subject matter of content being viewed by the user when the search is conducted.

For this reason, Applicant believes that claim 1 and claims 2-7 that depend therefrom, are patentably distinct from the prior art. In particular, while claims 3-4 were rejected based on the combination of Omoigui and Agnihotri (U.S. Publication No. 2003/0163828), the addition of Agnihotri to the combination does not correct the deficiency of Omoigui as discussed above.

3. As discussed above, claim 8 was also rejected under 35 USC § 102(e) as being anticipated by Omoigui (U.S. Publication No. 2005/0086687). Claim 8 recites in part:

wherein the hot key generation portion determines whether to inform the user of alternate content independent of any request by the user for the alternate content, but based at least in part on a search for alternate content having subject matter that is related to subject matter of content being viewed by the user when the search is conducted.

As discussed in conjunction with claim 1, while the Omoigui updates the correlations based on real-time events, Omoigui does not disclose, suggest or teach updating the viewer-information database in real-time, or performing steps 602 and 604

in parallel. Omoigui cannot perform the step of monitoring based on subject matter of content being viewed by the user when the search is conducted.

For this reason, Applicant believes that claim 8 and claims 9-14 that depend therefrom, are patentably distinct from the prior art. In particular, while claims 10-11 were rejected based on the combination of Omoigui and Agnihotri (U.S. Publication No. 2003/0163828), the addition of Agnihotri to the combination does not correct the deficiency of Omoigui as discussed above.

4. As discussed above, claim 15 was also rejected under 35 USC § 102(e) as being anticipated by Omoigui (U.S. Publication No. 2005/0086687). Claim 15 recites in part:

wherein the instructions cause the processor to determine whether to inform the user of alternate content independent of any request by the user for the alternate content, but based at least in part on a search for alternate content having subject matter related to subject matter of content being viewed by the user when the search is conducted.

As discussed in conjunction with claim 1, while the Omoigui updates the correlations based on real-time events, Omoigui does not disclose, suggest or teach updating the viewer-information database in real-time, or performing steps 602 and 604 in parallel. Omoigui cannot perform the step of monitoring based on subject matter of content being viewed by the user when the search is conducted.

For this reason, Applicant believes that claim 15 and claims 16-21 that depend therefrom, are patentably distinct from the prior art. In particular, while claims 17-18 were rejected based on the combination of Omoigui and Agnihotri (U.S. Publication No. 2003/0163828), the addition of Agnihotri to the combination does not correct the deficiency of Omoigui as discussed above.

Conclusions

For the foregoing reasons, the applicant believes that claims 1-21 are in condition for allowance and respectfully request that they be passed to allowance.

The Examiner is invited to contact the undersigned by telephone or facsimile if the Examiner believes that such a communication would advance the prosecution of the present invention.

No additional fees are believed to be due. The Commissioner is authorized to charge any fees that are required or credit any overpayment to Deposit Account No. 50-2126 (ATT030075).

RESPECTFULLY SUBMITTED,

By: /Bruce E. Stuckman reg. 36,693/
Bruce E. Stuckman
Phone: (512) 241-8444
Fax No. (512) 241-8445